

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. SACV 23-1193-JLS (KS) Date: March 18, 2024

Title *Mark Landeros v. Santa Ana Police Jail et al*

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Present: The Honorable: Karen L. Stevenson, Chief United States Magistrate Judge

Gay Roberson  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL**

On June 29, 2023, Plaintiff, a California inmate housed at the California Institution for Men and proceeding *pro se* and *in forma pauperis*, filed a Complaint pursuant to *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971) (“Complaint”). (Dkt. No. 1.) On August 16, 2023, Plaintiff filed his First Amended Complaint pursuant to 42 U.S.C. § 1983 (“FAC”). (Dkt. No. 6.) The Court dismissed the FAC with leave to amend on November 20, 2023 (Dkt. No. 9), and Plaintiff filed a Second Amended Complaint (“SAC”) on December 7, 2023 (Dkt. No.10). The Court dismissed the SAC with leave to amend on December 20, 2023 (Dkt. No. 11), and Plaintiff filed the operative Third Amended Complaint (“TAC”) on January 4, 2024 (Dkt. No.13).

On January 29, 2024, the Court issued an Order Directing Service by the U.S. Marshal on Defendant Santa Ana Jail. (Dkt. No. 16.) By separate order, the Court also directed: (1) the Clerk of Court to provide Plaintiff with two USM-285 forms and service of process instructions; (2) the U.S. Marshal to serve the summons and TAC; and (3) Plaintiff to file copies of the completed USM-285 forms he submitted to the U.S. Marshal. (Dkt. No. 15.)

As of the date of this Order, the Court has not received copies of the USM-285 forms. Accordingly, the Court could recommend dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b), which states that a civil action is subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.”

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However, in the interest of justice, Plaintiff is **ORDERED TO SHOW CAUSE on or before April 18, 2024** why the Court should not recommend that this action be dismissed for failure to prosecute. If Plaintiff wishes to proceed with this action, he may discharge this Order by filing one of the following:

- (1) copies of the USM-285 forms that were provided to the United States Marshal Service;
- (2) a request for an extension of time to submit the USM-285 forms to the Court; or
- (3) a declaration signed under penalty of perjury that establishes that Plaintiff timely submitted the USM-285 to the U.S. Marshal.

Alternatively, if Plaintiff does not wish to pursue this action, he may file a signed document entitled “Notice of Voluntary Dismissal” pursuant to Federal Rule of Civil Procedure 41(a).

**Plaintiff is advised that the failure to timely comply with this order may result in a recommendation for dismissal of this case pursuant to Federal Rule of Civil Procedure 41(a). and Local Rule 41-1.**

**IT IS SO ORDERED.**

**Initials of Preparer**

                      
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